

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PETER ALLEN, *et al.*,

*Plaintiffs,*

-against-

**NOTICE OF MOTION**

NEW YORK STATE DEPARTMENT OF  
CORRECTIONS AND COMMUNITY SUPERVISION,  
*et al.*,

19-cv-8173 (LAP)

*Defendants.*

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PLEASE TAKE NOTICE that upon the First Amended Complaint and accompanying memorandum of law dated April 8, 2020 and upon all prior proceedings, Defendants Andola, Gusman, Lee, Mantaro, Karandy, Acrish and Ashong will move this Court, before the Honorable Loretta A. Preska, United States District Judge, at the United States District Court, Southern District of New York, 500 Pearl Street, New York, New York, on a date and time to be designated by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting the Non-State Represented Defendants' motion to dismiss Plaintiffs' First Amended Complaint for failure to state a claim as a matter of law or in the alternative on the grounds that the Non-State Represented Defendants are entitled to qualified immunity.

Dated: April 8, 2020

HARRIS, CONWAY & DONOVAN, PLLC

s/Ryan E. Manley  
Ryan E. Manley, Esq.  
*Attorneys for Non-State  
Represented Defendants*  
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To: All Counsel of Record (via ECF)

**CERTIFICATE OF SERVICE**

I hereby certify that on April 8, 2020, I served the accompanying Notice of Motion to Dismiss the First Amended Complaint upon counsel for all parties via ECF.

Dated: April 8, 2020

HARRIS, CONWAY & DONOVAN, PLLC

s/Ryan E. Manley

Ryan E. Manley, Esq.

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